

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLINIQUE LA PRAIRIE, S.A.,	:	
	:	Civil Action No.: 07 Civ 4038 (PAC)
Plaintiff,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
THE RITZ-CARLTON HOTEL COMPANY,	:	
LLC, and LA PRAIRIE, INC.,	:	
	:	
Defendants.	:	
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HONORABLE PAUL A. CROTTY, United States District Judge:

Proposed intervenor, La Prairie, Inc. (“La Prairie”), having moved this Court by Notice of Motion dated June 27, 2007, for an order allowing it to intervene in the within action as a party defendant, as of right pursuant to Rule 24(a), Fed. R. Civ. P., or alternatively, with the permission of the Court pursuant to Rule 24(b), Fed. R. Civ. P.; and staying this action and all proceedings herein pending final resolution of arbitration in Zurich, Switzerland between plaintiff Clinique La Prairie, S.A. (“CLP”) and La Prairie, pursuant to the Federal Arbitration Act, Section 3, 9 U.S.C. Section 3 (“Motion”);

NOW, upon consideration of the aforesaid Notice of Motion, the Declaration of Lynne Florio, executed June 26, 2007, with exhibits annexed, the Memorandum of Law of La Prairie’s attorneys, Sonnenschein Nath & Rosenthal LLP, dated June 27, 2007, and the Reply Memorandum of Law of the said attorneys, dated July 30, 2007, all in support of the Motion; the Reply of Defendant The Ritz-Carlton Hotel Company, LLC (“Ritz-Carlton”) by its attorneys Arent Fox LLP, dated July 30, 2007, submitted in support of the motion; the Memorandum of Law of CLP, by its attorneys Ferrell Law, P.A., filed July 16, 2007, submitted in opposition to

the motion; the Complaint, filed April 11, 2007; Ritz-Carlton's Answer, dated June 4, 2007, and La Prairie's Proposed Answer, submitted together with its Reply Memorandum of Law; and

The Court having heard oral argument of counsel on the Motion on September 26, 2007, at the conclusion of which the Court announced its decision to grant the Motion in full set forth its basis for such decision, and directed the parties to settle an Order determining the Motion;

NOW THEREFORE, it is **ORDERED**, as follows:

1. The Motion is hereby granted.
2. La Prairie is hereby granted permission to intervene as a party defendant, pursuant to both Rule 24(a) and 24(b), Fed. R. Civ. P., and is directed to serve and file its answer within seven (7) days of this Order, in the form of its Proposed Answer previously submitted herein.
3. In all other respects, pursuant to Federal Arbitration Act Section 3, 9 U.S.C., Section 3, all proceedings herein are hereby stayed, until the conclusion of arbitration proceedings pending before arbitrators in Zurich, Switzerland between CLP and LaPrairie, and the issuance of a final award therein.
4. Any party may request relief from the foregoing stay from this Court, and in connection with a motion requesting such relief, CLP may ask this Court for permission to amend its Complaint to add additional claims for relief which are separate and apart from the claims in its current Complaint.

SO ORDERED

PAUL A. CROTTY
United States District Judge

Dated: New York, New York
October __, 2007